

dosage form is delivered to the target. The jet or each droplet has sufficient momentum to sustain its transmission from a delivery device to an ocular target site, i.e., to traverse a gap between the source and the treatment or target site. Kotuby fails to teach such a dosage form.

As explained in Applicant's previous response, Kotuby relies on the use of a nozzle to direct spray from the nozzle orifice to a well defined area. Significantly, Kotuby fails to mention any size for each "dose" of spray.

Further, the spray produced in Kotuby is not targeted. This is at least part of the reason that the Kotuby device includes a shield or cowling: for physically controlling the direction of the spray and preventing it from dispersing into the surrounding atmosphere. While the use of the shield is meant to direct the spray, the shield also contributes to significant waste of the treatment liquid that is discharged from the nozzle. It is inevitable that at least some of the discharged fluid will not reach the treatment site; some will also be retained on the inner wall of the cowling. For this reason, the use of the Kotuby device cannot produce a dosage form that is substantially entirely delivered to the target.


Kotuby clearly fails to suggest the claimed invention. The claims are not therefore obvious in view of Kotuby and withdrawal of the rejection is respectfully requested.

Allowance of the claims and passage of the case to issue are respectfully solicited. Should the Examiner believe a discussion of this matter would be helpful, he is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

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